

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has canceled claims 3, 4, 7, 15-17, 23, 24, 26-28, 35-37 and 44. Thus, claims 1, 2, 5, 9-14, 18-22, 25, 29-34, 38-43, 45 and 46 are presently pending in the application. In response to the April 1, 2005 Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

By this Amendment, Applicant has amended claim 44 to address the Examiner's objection. Accordingly, the Examiner is requested to remove the objection to claim 44.

Claims 3 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terho et al. (U.S. Patent No. 6,507,590; hereafter "Terho") in view of Sen et al. (U.S. Patent No. 6,556,556; hereafter "Sen"). Claims 1, 2, 4, 5, 15-17, 21, 22, 24, 25, 27 and 35-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terho in view of Sen and Nakagaki (U.S. Patent No. 5,657,316; hereafter "Nakagaki"). Claims 9-11, 18-20 and 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terho in view of Sen, Nakagaki, and Puuskari (U.S. Patent No. 6,728,208). Claims 12-14 and 32-34 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Applicant respectfully submits that the claims would not have been rendered obvious in view of the cited references.

**Independent Claims 1, 5 and 38**

With regard to independent claims 1, 5 and 38, the Terho and Nakagaki disclose all of the features of the claims except for location information being provided in the header of a protocol

unit. However, the Examiner cites Sen (at column 4, lines 57-64) for allegedly disclosing adding a sequence number, which the Examiner asserts corresponds to the claimed “location information”, to a header of an RLP frame, and asserts that “[i]t would have been obvious ... to include the location information at the transmitting step for the purpose of determining if a frame has been ‘lost’.”

By this Amendment, Applicant has amended independent claims 1, 5 and 38 to incorporate the subject matter of dependent claims 15-17 and 44. That is, claim 1 now requires:

determining whether or not a loss of data has occurred, by referring to the length and location information of data divided into the protocol units in (a), and if it determined that the loss of data from the protocol units has occurred, inserting blank data into a part corresponding to lost data to re-form the entire collection of data, transmitting to an upper layer the re-formed data and signaling to the upper layer whether or not the blank data is inserted.

Claim 5 requires:

when the result of checking (a) indicates that data is lost from the protocol units, re-forming the collection of data by adding an amount of blank data equal to an amount of data lost, into a part from which the data was lost, and then transmitting the re-formed data to an upper layer and signaling to the upper layer whether or not the blank data is inserted.

Claim 38 requires:

a receiving means for determining whether or not data included in the protocol units is lost, by referring to the length and location information of the data added to the header of each of the predetermined protocol units received from the transmitting means, re-forming the collection of data by inserting blank data into any part from which data is lost and signaling to an upper layer whether or not the blank data is inserted.

In support of the rejection of claims 15-17 and 44, the Examiner asserts that Nakagaki discloses “when the loss of data from the protocol units is determined, signaling whether or not the blank data is inserted, to an upper layer”, as claimed. In particular, the Examiner cites column 2, lines 8-30 of Nakagaki for allegedly disclosing “whereby inserting the dummy cells at the ‘data length compensating device’[,] an upper layer of the protocol has been signaled as to the loss of the data units and attempts to remedy the situation through inserting dummy cells.” However, simply inserting dummy data, i.e., all zeros, for the lost cells does not signal or provide any indication to an upper layer whether or not the dummy data has been inserted. That is, the upper layer has no way of knowing/determining whether the data it receives includes dummy data or actual user data since the actual user data may include a string of consecutive zeros.

Accordingly, Applicant respectfully submits that independent claims 1, 5 and 38 should be allowable because the combined references do not teach or suggest all of the features of the claims

#### **Independent Claims 45 and 46**

Independent claims 45 and 46 were added in the October 15, 2005 Amendment to capture the allowable subject matter of claims 12 and 14. However, claims 45 and 46 did not include the limitation that “the data and information on the changed length is transmitted” as recited in claims 12 and 14. Thus, the Examiner’s rejection of claims 45 and 46 appears to indicate that the Examiner believes that this limitation is what makes claims 12 and 14 allowable over the cited references.

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By this Amendment, Applicant has amended claims 45 and 46 to recite that "the data and information on the changed length is transmitted". Accordingly, claims 45 and 46 should now be in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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